

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 PEGGY S. RUFFRA
Supervising Deputy Attorney General
5 CATHERINE A. RIVLIN, State Bar No. 115210
Supervising Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5977
Fax: (415) 703-1234
8 Email: Catherine.Rivlin@doj.ca.gov
Attorneys for Respondent
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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 **JASON J. PAYNE,**

Petitioner,

14
15 v.

16 **JOE MCGRATH, Warden,**

Respondent.
17
18

C 07-4712 JSW (PR)

**APPLICATION FOR
ENLARGEMENT OF TIME
TO FILE ANSWER OR
RESPONSIVE MOTION**

19 For the reasons stated in the accompanying declaration of counsel, respondent hereby
20 requests a 14-day enlargement of time until June 12, 2008, within which to answer the petition for
21 writ of habeas corpus in this case or file any other appropriate motion. As explained in the
22 declaration, counsel for respondent has obtained the state court record and is preparing it for
23 lodging, has drafted the answer and notice of lodging and is working on the memorandum of points
24 and authorities, but has been burdened by earlier-assigned cases and five cases reassigned to counsel
25 for respondent on an emergency basis. A stipulation has not been sought because petitioner is an
26 incarcerated state prisoner who is representing himself.

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1 WHEREFORE, respondent respectfully requests that this Court grant an enlargement of
2 time to and including June 12, 2008, in which to file the answer.

3 Dated: May 28, 2008

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
6 Attorney General of the State of California

7 DANE R. GILLETTE
8 Chief Assistant Attorney General

9 GERALD A. ENGLER
10 Senior Assistant Attorney General

11 PEGGY S. RUFFRA
12 Supervising Deputy Attorney General

13 /s/ Catherine A. Rivlin

14 _____
15 CATHERINE A. RIVLIN
16 Supervising Deputy Attorney General
17 Attorneys for Respondent

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Jason J. Payne v. Joe McGrath, Warden*

No.: **C 07-4712 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 28, 2008, I served the attached:

- 1. APPLICATION FOR ENLARGEMENT OF TIME TO
FILE ANSWER OR RESPONSIVE MOTION;**
- 2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason J. Payne
SPN# V-26575
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531-7000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 28, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature